IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 19699 of 2007(T)

PETITIONER:

SAKKIR HUSSAIN K.T., S/O.KABEER,
AGED 38, KUNNATHODI HOUSE, THEKKUMURI,
THRIKKANDIYOOR VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:

---

1. THE TIRUR MUNICIPALITY, TIRUR
REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, TIRUR MUNICIPALITY,
TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.I.ABDUL RASHEED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19699 OF 2007

Dated this the 10th day of July, 2007

JUDGMENT

Petitioner who is a resident of Thekkumuri within the limits of Tirur Municipality has filed this writ petition highlighting not only the grievance of the residents of ward no.2 but of all other wards as well, within the limits of the Municipality because of its failure to repair the street lights and make them functional. The prayer is to issue a writ of mandamus or such other appropriate writ or direction to "set up effective machinery to attend to the complaints regarding non-functioning of streetlights".

2. In the statement filed on behalf of the Municipality, it is more or less admitted that because of lack of an effective machinery to conduct repair works of the streetlights most of the complaints received from the residents have remained unattended. It is also admitted that there is widespread protest from the public in this regard. While referring to Annexure-R1 order issued by the Government (G.O.(MS)

No.34/2003/PD dated 2.12.2003), it is averred that the Municipalities have been given option to take over maintenance and repair the streetlights. Tirur Municipality had taken over the maintenance and repair of the streetlights in terms of the above Government Order. Contract for annual maintenance was being given to competent parties after inviting tender. This procedure was being continued till March, 2007. But because of certain queries made by the audit department, no fresh tender had been invited, with the result, no contract for annual maintenance has been given after March 2007. It is stated that the officers in the Municipality are reluctant to take further action in the matter because of the query made by the Audit Department.

3. I do not find any reason why the public should suffer because of the so called query put in by the Audit Department. It is the duty of the Municipality to respond to the query and clarify the position. If advice or directions are to be sought from the Government or from any other Department necessary that must be done. The Municipality

cannot take shelter under some lame excuse and shirk its responsibilities and duties. It is trite that obligation is cast on the Municipality to maintain the streetlights and other paraphernalia for the welfare of the public. This is a duty that they should discharge. Significantly it has not been revealed in the statement as to what was the query that was made by the Audit Department.

4. I do not find any reason why the Municipality cannot maintain the streetlights properly. Adequate steps shall be taken to issue a tender notification and engage a competent contractor for the work, in accordance with the procedure prescribed and also in conformity with the relevant orders and directions governing the field.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

jes